

SD

Decision No. 91700 APR 15 1980

COMMERCIAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the EAST BAY REGIONAL PARK DISTRICT for an order authorizing construction of a public trail crossing at grade of a drill track used by the Southern Pacific Transportation Company at San Leandro Bay Regional Shoreline in Oakland.

Application No. 59262
(Filed November 9, 1979)

O P I N I O N

As part of the project to develop the San Leandro Bay Regional Shoreline, the East Bay Regional Park District requests authority to construct a public trail at grade across Southern Pacific Transportation Company's drill track in the City of Oakland, Alameda County.

The East Bay Regional Park District is the lead agency for the project to develop the San Leandro Bay Regional Shoreline pursuant to the California Environmental Quality Act of 1970, as amended, Public Resources Code, Section 21000 et seq.

After preparation and review of an Environmental Impact Report, the East Bay Regional Park District approved this project and on March 23, 1977, filed a Notice of Determination with the Alameda County Clerk, which found that "The project will not have a significant effect on the environment."

The Commission is a responsible agency for this project under CEQA and has independently evaluated and assessed the lead agency's Environmental Impact Report. The site of the proposed project has also been inspected by the Commission's staff.

The proposed development of the shoreline area of San Leandro Bay will maximize its potential for public use and enjoyment while retaining its value as a wildlife habitat. In line with the circulation plan, a public trail into the area is proposed, which requires an at-grade crossing of a drill track. The project site is in an area with commercial and light manufacturing activities interspersed with open spaces.

Notice of the application was published in the Commission's Daily Calendar on November 14, 1979. No protests have been received. A public hearing is not necessary.

F I N D I N G S

After consideration, the Commission finds:

1. Applicant should be authorized to construct a public trail at grade across Southern Pacific Transportation Company's drill track in the City of Oakland, Alameda County, at the location and substantially as shown by the plans attached to the application, to be identified as Crossing D-12.68-DC.
2. Construction of the crossing should be equal or superior to Standard No. 1 of General Order 72-B.
3. Clearances should conform to General Order 26-D. Walkways should conform to General Order 118.
4. Protection at the crossing should be two pedestrian crossing signs as shown in Appendix A attached hereto.
5. Two whistle posts should be installed for the benefit of railroad operating personnel.
6. Construction cost of the crossing and the installation cost of the crossing signs and whistle posts should be borne by the applicant.
7. Maintenance of the crossing should conform to General Order 72-B. Maintenance cost of the crossing signs and whistle posts should be borne by the applicant.
8. Construction plans of the crossing, approved by the Southern Pacific Transportation Company, together with a copy of the agreement entered into between the parties involved, should be filed with the Commission prior to commencing construction.
9. Applicant is the lead agency for this project pursuant to the California Environmental Quality Act of 1970, as amended.
10. The Commission is a responsible agency for this project and has independently evaluated and assessed the lead agency's Environmental Impact Report.
11. This project will have no significant impact on the environment.

C O N C L U S I O N

On the basis of the foregoing findings, we conclude that the application should be granted as set forth in the following order:

O R D E R

IT IS ORDERED that:

1. The East Bay Regional Park District is authorized to construct a public trail at grade across Southern Pacific Transportation Company's drill track in the City of Oakland, Alameda County, as set forth in the findings of this decision.

2. Within thirty days after completion, pursuant to this order, applicant shall so advise the Commission in writing.

This authorization shall expire if not exercised within three years unless time be extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity or safety so require.

The effective date of this order shall be thirty days after the date hereof.

Dated APR 15 1980, at San Francisco, California.

President

Veronica L. Stenger

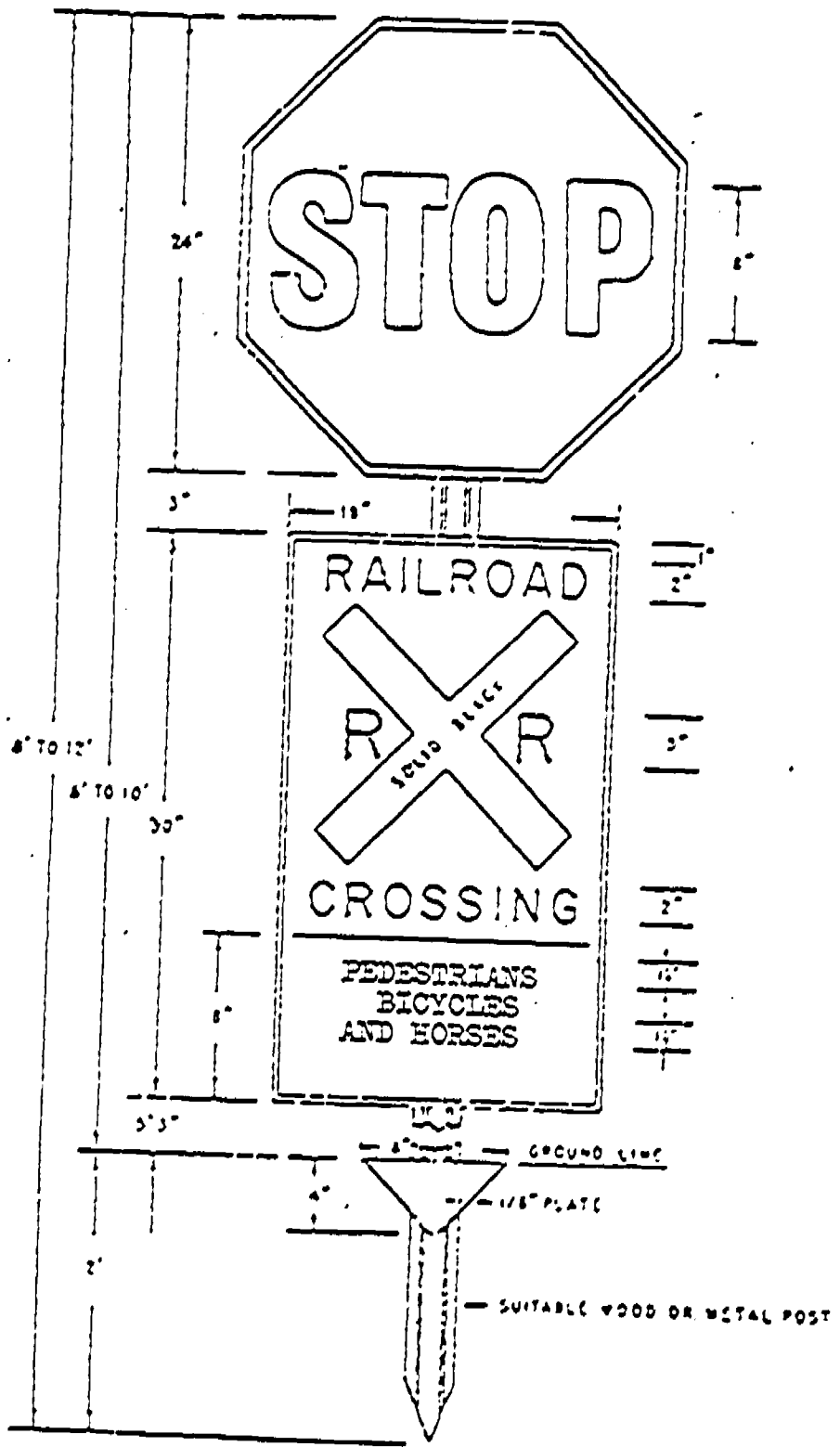
Robert D. Howell

Charles T. Delquist

Arnold W. Jew
Commissioners

Commissioner John E. Bryson,
being necessarily absent, did
not participate.

Sign to be installed at Crossing



NON MOTORIZED VEHICLE AND PEDESTRIAN RAILROAD CROSSING SIGN